

**Remarks/Arguments**

The Office Action mailed April 14, 2009 has been reviewed and carefully considered.

Claims 2, 3, 7 and 8 have been canceled without prejudice. Claims 1 and 6 have been amended. New claims 10 and 11 have been added. No new matter has been added by these amendments. Claims 1, 4-6 and 9-12 are now pending in this application. .

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

**Claim Rejections:**

Claims 1 and 6 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicant respectfully disagrees with the Examiner's comment that one of ordinary skill in the art would not reasonable be apprised of the scope of the invention. Claims 1 and 6 recite the term "pre-specified threshold" which relates to the "energy level of the different regions of the delay spread. Those of skill in the art clearly understand that the term "pre-specified" relates to an energy level threshold that can vary depending on the desired application of the rake/equalizer receiver for correlating a delay spread in a spread spectrum system.

According to the Examiner's interpretation, the specification does not provide a standard for ascertaining the "pre-specified" threshold. However, it is respectfully submitted that no such standard is required for those of ordinary skill in the art. In fact, one

of ordinary skill clearly understands the concept of a threshold value, and the idea of pre-specifying that threshold value to make the piece of equipment operate as desired.

A review of MPEP seems to suggest that the examiner's focus during examination of claims for compliance with the requirement for definiteness under 35 U.S.C. §112, second paragraph, is whether the claim meets threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available (MPEP 2173). Applicant's representative respectfully requests the Examiner's identification of the "threshold" as used in this recitation?

In view of the foregoing, it is respectfully submitted that the claims meet the requirements of 35 U.S.C. §112, second paragraph. Notwithstanding the foregoing, applicant has amended claims 1 and 6 to remove the term "pre-specified" and place the same in new dependent claims 11 and 12.

Claims 1, 5, 6 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2003/0133424 to Liang et al. In view of the amendments to claims 1 and 6, it is believed that this rejection is now moot. As such, applicant responds to the 103 rejection as asserted below as it relates to claims 2-3 and 7-8, respectively.

Claims 2-4 and 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Liang et al. in view of Wang et al. (U.S Patent No. 6,714,585).

In asserting this rejection, the Examiner admits that Liang et al. fails to disclose or suggest the claimed correlation module and cites Wang et al. for teaching the same.

Claims 1 and 7, as amended recite, inter alia, that the weighting is performed based on the amount of energy present in the different regions of the delay spread.... Applicants

submit that neither Liang et al. nor Wang et al, taken singly or in any combination disclose or suggest this aspect of the claimed invention.

More specifically, as is well known in the art of rake receivers, Wang et al. the correlation unit 410 correlates delayed versions of the baseband signal to the desired spreading sequence. However, Wang et al. contain no mention, or suggestion that the correlation unit 410 makes use of the energy level of the different regions of the delay spread as part of the weighting process. In fact, Wang et al. teaches away from such concept by discussing the interference to signal power ratio and the noise to signal power ratio, and making no reference to the energy levels of the different regions of the delay spread. Thus, the combined teachings of Liang et al. and Wang et al. fails to disclose or remotely suggest the concept of applicant's claimed invention.

## **Conclusion**

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

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No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,  
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